

Applicant Initiated Interview Request Form

Application No.: 10/532,968 First Named Applicant: John E. Schoen
Examiner: Edward J. Baird Art Unit: 3695 Status of Application: Pending

Tentative Participants:

(1) Examiner Baird (2) Joseph W. Ragusa
(3) Examiner Chuck Kyle (4) _____

Proposed Date of Interview: August 5, 2009 Proposed Time: 3:30PM EDT AM/PM

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rejection</u>	<u>1, 14, 23 and 32</u>	<u>"May"</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rejection</u>	<u>44</u>	<u>"May"</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Argument to be Presented:

May does not teach the recited use of credit limits, and, among other things, does not teach the notifying limitation of independent claims 1, 14, 23 and 32. May also does not teach the fixing of benchmarks by the trading system, as recited in claim 44.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Typed/Printed Name of Applicant or Representative

Registration Number, if applicable

/Charles R. Kyle/

Examiner/SPE Signature

Continuation Sheet

Agenda for interview:

1. Discussion of background of the claimed invention and the problem solved thereby.
2. Independent claims 1, 14, 23 and 32 recite, inter alia, after an auction has been conducted, notifying the participants of the auction, to which the participants had allocated credit limits, of the amount of credit that was allocated to the auction, but not used in the auction.

May does not "notify" participants of the allocated but unused credit. The portion of May relied upon in the Office Action (paragraph [0362]) does not involve a "notification" since, even as interpreted in the Office Action, it simply allows a trader to figure out, if he did not respond to an RFP, that credit allocated to an auction is still available. It is also noted that claims 14 and 23 explicitly recite that an electronic message is used for the recited notification, further distinguishing over the portion of May relied upon in the Office Action.

Moreover, the scenario discussed at paragraph [0362] would result in no auction having occurred, emphasizing even more that the cited portion of May does not meet the claim limitation.

Applicants representative would also like to discuss the difference between "credit limits" as recited, e.g., in claim 1, and "credit preferences" as defined in May.

3. Independent claim 44 recites that the trading system itself fixes benchmarks for the instrument to be traded at intervals during the day. The Office Action took the position that May teaches trading benchmark issues based on issuing of U.S Treasury securities. In May, the U.S. Treasury fixes the benchmark ([0289]) and May does not teach the fixing of a benchmark by the trading system itself, as recited in claim 44.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.